

After Recess**FIFTH DAY**

(Continued)

(Monday, November 25, 1957)

The Senate met at 2:00 o'clock p.m., and was called to order by the President.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Moore was granted leave of absence for today on account of a death in the family on motion of Senator Ashley.

Senate Bills on First Reading

The following bills were introduced by unanimous consent, read first time and referred to the committee indicated:

By Senator Smith:

S. B. No. 26, A bill to be entitled "An Act repealing Chapter 197, Acts of the 54th Legislature, 1955, closing the season on wild quail in Andrews County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Herring:

S. B. No. 27, A bill to be entitled "An Act providing for the number and the salaries of employees of the Examination Division of the State Board of Insurance to be paid out of existing appropriations for the Board during the remainder of the biennium ending August 31, 1959; amending line item appropriations for salaries of the Examination Division contained in House Bill 133, Chapter 385, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

To the Committee on Finance.

Reports of Standing Committees

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State

Affairs, to whom was referred S. B. No. 15, have had the same under consideration, and we are instructed to report is back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 25, have had the same under consideration, and we are instructed to report is back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 14, have had the same under consideration, and we are instructed to report is back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 15, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Vice-Chairman.

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Vice-Chairman.

Senate Resolution 28

Senator Moffett by unanimous consent offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Judge A. A. Payne of Paducah, Cottle County, Texas; and

Whereas, We desire to welcome this distinguished guest to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended an official welcome and the privilege of the floor.

The resolution was read and was adopted.

Senate Resolution 29

Senator Fly by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Civics Class of the Three Rivers High School, Three Rivers, Texas, accompanied by their teacher, Mr. Neil Hector; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and teacher to the Members of the Senate.

Senate Resolution 30

Senator Aikin by unanimous consent offered the following resolution:

Whereas, Mr. and Mrs. Fred Bell of Paris, Texas, will soon observe their Golden (50th) Wedding Anniversary; and

Whereas, Mr. and Mrs. Bell are widely known, highly respected and universally loved, having devoted their lives to rearing a wonderful family and making their community a better place in which to live; and

Whereas, Their lives are a symbol of the conditions of a successful life which has contributed to making a better community, a better state and a better nation; now, therefore, be it

Resolved, That congratulations and all good wishes be extended this distinguished couple by the Senate of Texas in honor of their Golden Wedding Anniversary; and be it further

Resolved, That copies of this Resolution be mailed to Mr. and Mrs. Bell as an expression of our congratulations in honor of their Golden Wedding Anniversary.

The resolution was read and was adopted.

Report of Standing Committee

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
November 25, 1957.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 26, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

Bills Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 26 was ordered not printed.

On motion of Senator Fly and by unanimous consent H. B. No. 14 was ordered not printed.

Senate Bill 6 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act to authorize Wilbarger Creek Water Control and Improvement District No. 1 of Bastrop and Travis Counties to levy and collect a maintenance tax and providing an election as a condition precedent to the right to levy and collect such tax and limiting the use of such taxes; providing additional purposes for which proceeds from bonds may be spent; validating all acts and proceedings of the officials of the District; providing that the Act shall have priority of application; providing a severance clause; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill 6 by adding a new section to be known as Section 2 (a) which new section shall read as follows:

"Section 2 (a). If the plans for projects, works and improvements or amendments thereto contemplated by the District are prepared or are to be prepared by the Soil Conservation Service, United States Department of Agriculture, and approved or to be approved by the Directors of the District, it shall not be necessary or required that an engineer's report covering the plans for projects, works and improvements or amendments thereto, together with data, profiles, maps, plans, specifications, showings and explanations prepared or to be prepared in connection therewith, to be filed in the office of the District before the ordering of a hearing for the exclusion of land or property from the District or the ordering of an election authorizing the issuance of bonds in connection with such projects, works and improvements or amendments thereto, and it shall not be necessary or required for such engineer's report, or plans for such projects, works and improvements or amendments thereto, or data, profiles, maps, plans, specifications, showings and explanations in connection therewith, nor application for approval of bonds to be submitted to or approved by the State Board of Water Engineers prior to the issuance of said bonds by the District; provided, however, that before the expenditure of any funds for the construction of any works and improvements, the approv-

al of the State Board of Water Engineers shall be secured for that portion of the works and improvements to be constructed and it shall not be necessary or required to secure advance approval from the State Board of Water Engineers for the entire project contemplated by the District, but approval may be secured or given on a separate individual basis for that portion of the works and improvements to be constructed at any particular time and on which plans and specifications of the Soil Conservation Service, United States Department of Agriculture, are prepared and submitted by the District of the State Board of Water Engineers."

The amendment was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 6 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Kazen	Willis
Krueger	Wood

Absent

Rogers	Secrest
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Absent—Excused

Hudson	Weinert
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 26 on Second Reading

Senator Smith moved that Senate Rules 38 and 32, the regular order of business and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 26 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Kazen	Willis
Krueger	Wood

Absent

Rogers	Secrest
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Absent—Excused

Hudson	Weinert
Moore	

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 26, A bill to be entitled "An Act repealing Chapter 197, Acts of the 54th Legislature, 1955, closing the season on wild quail in Andrews County; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 26 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 26 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Kazen	Willis
Krueger	Wood

Absent

Rogers	Secrest
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Absent—Excused

Hudson	Weinert
Moore	

Senate Resolution 31

Senator Gonzalez by unanimous consent offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class of The University of Trinity, accompanied by their teacher, Mr. Robert E. Hunter; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and Mr. Hunter to the Members of the Senate.

House Bill 14 on Second Reading

The President laid before the Senate in lieu of S. B. No. 10 on its second reading and passage to third reading the following bill (containing the same subject matter):

H. B. No. 14, A bill to be entitled

"An Act canceling and removing any restriction on use and relinquishing any future right of reversion which the State of Texas may hold on certain property heretofore granted and patented to the City of Austin, and conveying to the Austin Independent School District all right, title and interest of the State in and to such property, such cancellation, relinquishment and conveyance to be subject to a stated condition; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 14 on Third Reading

Senator Fly moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 14 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Smith
Herring	Willis
Kazen	Wood
Krueger	

Nays—1

Roberts

Absent

Rogers Secrest

Absent—Excused

Hudson Weinert
Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25

Aikin	Bradshaw
Ashley	Colson
Bracewell	Fly

Fuller	Moffett
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff
Kazen	Reagan
Krueger	Smith
Lane	Willis
Lock	Wood
Martin	

Nays—1

Roberts

Absent

Rogers Secrest

Absent—Excused

Hudson Weinert
Moore

Senate Bill 19 on Second Reading

On motion of Senator Ashley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act to authorize and direct the Texas Youth Council to grant an easement to the City of Corsicana; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 19 on Third Reading

Senator Ashley moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Kazen	Willis
Krueger	Wood

Absent
Rogers Secrest
Absent—Excused
Hudson Weinert
Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Kazen	Willis
Krueger	Wood

Absent
Rogers Secrest
Absent—Excused
Hudson Weinert
Moore

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 3, A bill to be entitled "An Act constituting a local law for the further maintenance of public highways, by authorizing the Commissioners' Court of Dallas County to expend proceeds of bonds heretofore and hereafter voted by Road District No. 1 of Dallas County for the purpose of providing for drainage of state highway rights-of-way and adjacent lands where such drainage is made necessary by the construction, widening or improvement of such highways; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 12, A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation

of Official Shorthand Reporters of the Tenth, Fifty-Sixth and One Hundred Twenty-Second Judicial Districts of Texas; amending Acts of the 55th Legislature, Regular Session, 1957, Chapter 350; and declaring an emergency.

S. B. No. 13, A bill to be entitled "An Act making it unlawful for any person to make use of a dog or dogs in the hunting, pursuing, or taking of any deer in the South and West portion of Shelby County, Texas, at any time; providing penalties for violation of this Act; and declaring an emergency."

S. C. R. No. 2, Requesting approval by federal officials of a crude oil pipeline from Texas to the West Coast.

S. C. R. No. 8, Relating to laying of the cornerstone of the Supreme Court Building.

S. C. R. No. 9, Recognizing Farm-City Week from November 22 to November 28, 1957.

H. C. R. No. 10, Inviting Governor Price Daniel to address a Joint Session Wednesday, November 20, 1957, at 11:30 a.m.

Motion to Place Senate Bill 20 on Second Reading

Senator Phillips asked unanimous consent to suspend the regular order of business and take up S. B. No. 20 for consideration at this time.

There was objection.

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
November 25, 1957.

To the Senate of the Fifty-Fifth Legislature, Second Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Galveston Bar and Houston Ship Channel, for two-year terms to expire October 30, 1959: E. B. Mercer, Jr., of Harris County T. H. Bratcher of Harris County.

To Be Branch Pilot for the Galveston Bar and Houston Ship Channel, for a two-year term to expire November 13, 1959: Coney Townsend McMains of Harris County.

To be Branch Pilots for the Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire November 4, 1959: John Robert DeForest of Nueces County; Anton Thomas Mathews of Nueces County.

To be Branch Pilot for the Port of Galveston and Texas City, for a two-year term to expire November 7, 1959: Charles H. Heidrick of Galveston County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas

Senate Resolution 34

Senator Willis by unanimous consent offered the following resolution:

Whereas, Little Debbie Dixon of Arlington, Texas, has been named the National Poster Girl this year in the campaign to secure funds to combat Muscular Dystrophy; and

Whereas, Little Debbie's beautiful picture will be portrayed on posters in all forty-eight states in this nationwide drive to secure these much needed funds to fight Muscular Dystrophy; and

Whereas, Mayor Tommy Vandergriff of Arlington proclaimed November 23, 1957, as "Debbie Dixon Day" in her honor; and

Whereas, The Senate of Texas wishes to congratulate this pretty little girl for her important role in helping secure funds to aid thousands of people; now, therefore, be it

Resolved, That the Senate of Texas does hereby extend its congratulations and sincere thanks to this gracious little lady; and that copies of this resolution, under the Seal of the Senate of Texas, be forwarded to Miss Debbie Dixon and Mayor Tommy Vandergriff of Arlington, Texas.

The resolution was read and was adopted.

Motion to Place House Concurrent Resolution 13 on Second Reading

Senator Wood asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 13 for consideration at this time.

There was objection.

Adjournment

On motion of Senator Hardeman the Senate at 2:35 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of Clifford Mays

Senator Willis by unanimous consent offered the following resolution:

(Senate Resolution 32)

Whereas, On September 20, in the Year of our Lord, Nineteen Hundred Fifty-seven, Almighty God in His infinite wisdom, called to his heavenly rest, Clifford Mays of San Antonio, Bexar County, Texas; and

Whereas, Clifford Mays was born in Travis County in 1911, and at an early age moved to Tarrant County where he was reared and educated in the public schools from which he graduated with distinction and honor. He attended the University of Texas and graduated from the University of Texas Law School with highest honors, being selected a Chancellor of the Law School for outstanding scholastic achievement and work on the Texas Law Review; he was a member of Phi Delta Phi Legal Fraternity and a prominent member of local, state and national Bar Associations during a long period of distinguished practice with the prominent Texas Law Firm of Mays and Mays in Fort Worth, Texas; and

Whereas, Clifford Mays was endowed richly by his Creator with many outstanding talents and capacities which he always used in the interest of justice and to the credit of his profession and fellowmen; he was one of the outstanding trial lawyers of Texas for many years and was respected and loved by clients, members of the legal profession, judges, friends and all who knew him. His keen mind and brilliant knowledge of courtroom procedure was exceeded by his innate integrity and lifelong fight to see that practical justice was administered in the court as guaranteed by the State and Federal Constitutions. He numbered his friends from all walks of life and always had a kind word for all who came in contact with him and he never met a stranger; and

Whereas, When totalitarian powers threatened the very existence of our democratic tenets of government he so dearly loved, he left his successful law practice and served with distinction in World War II, from the rank of Private to First Lieutenant in the United States Air Force; and

Whereas, He was married to Helen Tribble of San Antonio and in 1954 he laid aside his law books and moved to San Antonio to successfully head the Tribble Outdoor Advertising Company, one of the largest in the nation. He was a devoted husband and gave freely of his time to civic and community affairs, especially those promoting the welfare of youth; and

Whereas, He is survived by his wife, Mrs. Helen Tribble Mays of San Antonio; a brother, Clyde Mays; and a sister, Mrs. Ruby Hayden of Fort Worth, Texas; therefore, be it

Resolved, That the Senate of Texas do hereby express its sincere sympathy to the family of Clifford Mays; and that copies of this resolution be forwarded to them under the seal of the Senate of Texas; and, be it further

Resolved, That a page in the Senate Journal be set aside as a memorial to Clifford Mays; and that when the Senate of Texas adjourns today it do so in his honor and memory.

WILLIS

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Wood.

The resolution was read.

On motion of Senator Gonzalez and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Dr. Homer A. Taylor

Senator Willis by unanimous consent offered the following resolution:

(Senate Resolution 33)

Whereas, On the 19th day of November, in the Year of our Lord, Nineteen Hundred Fifty-seven, Almighty God, in His infinite wisdom, called to his heavenly rest, Dr. Homer A. Taylor of Kemp, Kaufman County, Texas; and

Whereas, Dr. Homer A. Taylor was born in Lee's Creek, Ohio, August 11, 1884, and moved to Kaufman County in 1902 and resided with his uncle, Dr. D. G. Taylor, a pioneer doctor of this great county; and

Whereas, He studied medicine at Fort Worth Medical School and graduated from Loyola University Medical School, Chicago, Illinois, and then practiced medicine in Kaufman County for 49 years, being loved by rich and poor alike for his brilliant medical knowledge and great understanding of human values from all walks of life; and

Whereas, He was a devout Christian, being an active member of the Kemp Methodist Church, a Mason and Shriner, a member of the Kaufman County, State of Texas and American Medical Associations. He was known throughout Kaufman County for his love of his family, friends, patients, fellow doctors, and, above all, for his devotion to the sick and needy; and

Whereas, "Doc," as he was called with real love and affection by hundreds of people, is survived by his wife, Mary H. Taylor; a son, Dr. Homer A. Taylor, Jr. of Houston; and a daughter, Mrs. Joe Tedder of Kemp; two granddaughters and four brothers; therefore, be it

Resolved, That the Senate of Texas do hereby pay tribute to Dr. Homer A. Taylor as a man true to his profession, his God, his family, his country, and his fellowmen; and be it further

Resolved, That copies of this resolution be forwarded to his family under the seal of the Senate of Texas; that a page of the Senate Journal be set aside in his memory; and that when the Senate of Texas adjourns today, it do so in honor and respect to Dr. Homer A. Taylor.

**WILLIS
WOOD**

The resolution was read and was adopted by a rising vote of the Senate.